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Implementation of the resolutions of the United Nations

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Sixty-fourth year

Letter dated 14 March 2009 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Secretary-General

I am writing to you in connection with the letter of the Permanent Representative of the Hellenic Republic to the United Nations, John Mourikis, addressed to you and circulated, at his request, as document A/63/712-S/2009/82, dated 6 February 2009.

The Republic of Macedonia notes with great concern the tone of the letter and inaccurate statements and allegations it contains. In particular, we wish to make clear that the Macedonian side refutes the allegation that "for the last 15 years" the Greek side "has continuously been faced with a conduct on the part of" the Republic of Macedonia "which contravenes the letter and the spirit of the [1995] Interim Accord", and that its "conduct is not in line with the Security Council resolutions 817 (1993) and 845 (1993) and not consistent with the general principles of international law enshrined in the Charter of the United Nations". My Government notes that these serious allegations appear to be part of a pattern of communications that have been made since 17 November 2008, when the Republic of Macedonia instituted proceedings against the Hellenic Republic in respect of its failure to comply with obligations under article 11(1) of the 1995 Interim Accord. It appears that this most recent communication to you has more to do with a litigation strategy being developed by the Hellenic Republic than the merits of the subject it purports to address.

The Macedonian side would like to take this opportunity to remind you and the Hellenic Republic of its long-standing and sincere commitment to good-neighbourliness and to full respect for the principles reflected in the 1995 Interim Accord. Such commitment has been reflected in a series of actions taken by

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the Republic of Macedonia, as guided by the spirit of the above-mentioned principles, taken in good faith with the aim of building confidence and mutual trust. Such actions include a number of significant concessions. For example, in 1992 amendments to the Constitution of the Republic of Macedonia were adopted, confirming that the Republic of Macedonia has no territorial claims beyond its established borders; these amendments have been consolidated and reaffirmed with the obligations assumed under article 6 of the 1995 Interim Accord. In 1995, pursuant to a new law, the Republic of Macedonia changed its national flag to remove the symbol used before the conclusion of the 1995 Interim Accord.

The Republic of Macedonia continues to participate actively and constructively in the process envisaged in article 5, paragraph 1, of the Interim Accord "with a view to reaching agreement on the difference" between the parties as to the name. The Republic of Macedonia has accepted as a basis for a permanent solution a number of proposals of the Mediator in the process, including the proposals of October 2005 and of March 2008. We regret very much that these important proposals were rejected by the Greek side.

Furthermore, the Hellenic Republic will be aware that the 1995 Interim Accord establishes a process to be followed where one of the parties has concerns about certain acts of the other party. Article 7(3) of the 1995 Interim Accord provides:

> "3. If either Party believes one or more symbols constituting part of its historic or cultural patrimony is being used by the other Party, it shall bring such alleged use to the attention of the other Party, and the other Party shall take appropriate corrective action or indicate why it does not consider it necessary to do so."

With regard to the process envisaged by this provision, the Republic of Macedonia notes that it does not recall any occasion on which the Hellenic Republic has invoked the terms of article 7(3) of the 1995 Interim Accord in any communication with the Republic of Macedonia before the present dispute on article 11(1) of the Interim Accord was taken to the International Court of Justice.

The letter of 6 February 2009 raises three examples of "policies and practices" that give rise to concerns on the part of the Hellenic Republic. The Republic of Macedonia strongly rejects each allegation.

The first complaint concerns the decision of the Macedonian Government to name part of the Pan-European Corridor X in honour of Alexander the Great. This occurred in December 2008, after the dispute on article 11 of the 1995 Interim Accord was submitted to the Court. The naming of the main regional transportation artery between the two countries in honour of such an important historical figure from the region is in no way inconsistent with the requirements of the 1995 Interim Accord. The name of this historic personality connects the countries, as well as the whole region, to a shared heritage. In addition, it is a name that is widely used in many other countries around the world. The Republic of Macedonia fails to see how the common use of the name of a historic personality can be considered to be inappropriate or inconsistent with the requirements of the 1995 Interim Accord.

The second complaint concerns the decision to name the main stadium in Skopje after "Philip II, the Macedon". This decision was taken by the Government of the Republic of Macedonia, and it was published in the Official Gazette of the Republic of Macedonia No. 164/08, dated 29 December 2008, after the dispute on

article 11 of the Interim Accord was submitted to the Court. The same considerations apply as in relation to the previous point, concerning the name of Alexander the Great. The Macedonian side would welcome an explanation as to how this can amount to a violation of article 7 — or any other provision — of the 1995 Interim Accord.

The third complaint concerns "the use of the 'Sun of Vergina' as a symbol of this country in government-financed television spots broadcast in both domestic and international media". In order to be able to respond to this general and unparticularized allegation, the Macedonian side would be grateful if the Hellenic Republic could provide specific information and precise details in order that we might be put in a position to respond, in accordance with the requirements of article 7(3) of the 1995 Interim Accord. Without such precise information it would not be possible to form a view as to whether "appropriate corrective action" is necessary or not.

I would like to remind you that in January 2008 the Macedonian side, inter alia, proposed to the Greek side the establishment of a Joint Education and History Committee that could facilitate and promote understanding on issues of history fully in compliance with the Interim Accord. In spite of the Greek rejection of this proposal, the Republic of Macedonia reiterates the same proposal with the hope that it would now be accepted by the Hellenic Republic.

The Republic of Macedonia also wishes to remind you that, like the Hellenic Republic, it is a State governed by the rule of law and committed to respect fundamental human rights, including the right of freedom of expression as reflected in the European Convention on Human Rights. In this regard, there is a balance to be struck between the requirements of the 1995 Interim Accord, which is fully complied with by the Macedonian side, and the rights of private persons to freely and fully express their own views. The Macedonian side expresses the hope that the Hellenic Republic has not sought to adopt an approach to the 1995 Interim Accord that would undermine the jurisprudence of the European Court of Human Rights on the most important principle of freedom of expression.

I would like to assure you that the Republic of Macedonia will continue to fully uphold the principles and values enshrined in the Charter of the United Nations and that advancement of cooperation and good-neighbourliness will remain among the top priority issues on our foreign policy agenda.

I should be grateful if the present letter were circulated as a document of the General Assembly, under agenda items 83 and 109, and of the Security Council.

(*Signed*) Slobodan **Tasovski**
Ambassador
Permanent Representative